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OPERALBEU NIT 2 INITIAL SCREEING OF
ALTERNATIVES IN FORMAL DISPUTE
RESOLUTION

03-26-91

3
MINUTES

MEETING MINUTES

Rev. 1
March 26, 1991

Subject: OPERABLE UNIT 2 INITIAL SCREENING OF ALTERNATIVES
INFORMAL DISPUTE RESOLUTION

Date: March 12, 1991

Location: USEPA, Region V, Chicago, Illinois

Attendees:	Dennis Carr, WMCO	(513) 738-6930
	Catherine McCord, USEPA - WMD	(312) FTS 886-4436
	Graham Mitchell, Ohio EPA	(513) 285-6357
	John Razor, ASI/IT	(513) 738-3100
	Tom Schneider, Ohio EPA	(513) 285-6357
	Ed Schuessler, PRL-EMI	(312) 856-8700
	Bob Skalka, WMCO	(513) 738-6757
	Dan Smith, ASI/IT	(615) 483-1274
	Jack Craig, DOE/FMPC	(513) 738-6159

Item 1

USEPA opened with a discussion of the planned Thursday, March 14 meeting. USEPA stated they had high expectations of the upcoming meeting relative to raising some of the issues on the project to senior management for resolution.

Item 2

DOE identified that they were not prepared to issue a technical position relative to OU2 comments (by USEPA and OEPA) concerning Risk Assessment and Remedial Action Goals. DOE stated that a FS Work Plan Addenda will be issued to identify the DOE position on these matters. DOE stated they would not be prepared to address any of the specific comments dealing with these issues. USEPA concurred with this position but voiced concern as to possible delays this position may cause to the program. USEPA stated they have issued their written position of the issues in the form of comments, and now they need to know DOE's position.

Item 3

DOE/WMCO/ASI/IT walked through all remaining comments outside of Item 2 above on the OU2 ISA REPORT. Specific resolutions were identified to each of these items.

Item 4

Discussion centered on avenue to cessation of the dispute process for the OU2 ISA Report. While DOE can address the issues discussed within the CA timeframe, risk issues were not discussed; and therefore, the dispute process will continue. The present course will require elevation to a formal dispute on 3/18. EPA was concerned as they did not know DOE's position regarding the remaining comments; and therefore, USEPA would have a difficult time stating the basis for the dispute.

DOE proposed settling the dispute now through deletion/revision of the portions of the ISA report causing dispute. DOE proposed to resolve the comments in this manner and establish a schedule for issuance of the proposed FS Work Plan Addendum.

DOE proposed specific changes to the ISA report including deletion of sections on pathway modeling and baseline risk assessment and the elimination of specific detail from proposed remedial action objectives. DOE stated these changes would not impact the ISA results and were consistent with the NCP and guidance. USEPA committed to meet separately with OEPA and get back with DOE (J. Craig) on Wednesday, March 13, 1991. DOE concurred with this position.

Item 5

Discussion centered on Removal Actions; specifically, resolution of comments/issues regarding Plant 1 Pad and Waste Pit Runoff Control. DOE identified that they had triggered Informal Dispute Resolution on the Waste Pit Runoff Control Work Plan. The issue of contention was the select use of QAPP protocols and procedures for all sampling to support the removal action. DOE requested an exception to this position to permit pre-excavation samples to be analyzed at a non-QAPP lab. EPA concurred with this request with the condition that the RI/FS contractor complete a QA surveillance of the lab prior to use, with a copy of the report to be forwarded to USEPA. DOE concurred and agreed the informal dispute was resolved. DOE then continued with a discussion of the status and comment responses for the Plant 1 Pad Work Plan and the Waste Pit Runoff Work Plan. DOE walked EPA through the sampling and analysis process for the removal. USEPA and OEPA verbally agreed with the approach with two requirements. First, they requested a summarization of soil sampling data in the area of the proposed excavated soil stockpile. Second, USEPA requested DOE provide a copy of the air sampling protocol to be employed on the project. DOE concurred and stated they were prepared to proceed with both projects. USEPA and OEPA agreed to complete a review of the DOE submittals and expedite their response.

Item 6

USEPA provided verbal concurrence to proceed with K-65 berm sampling. Written approval will be transmitted to DOE shortly.

Item 7

Discussion centered on the reporting of federal and state ARARs and TBCs. A consensus position was provided by the representative of USEPA and OEPA regarding the specific regulatory citations which should be provided with the ARARs/TBCs. It was the position of the USEPA and OEPA that the federal regulatory citation should be used for all ARARs with the exception of those for which the comparable State requirement is deemed more stringent. The policy is consistent with 40 CFR 300.400(g)(4).

Meeting Minutes
OU2 Initial Screening of Alternatives

3

Actions

1. Communicate position regarding acceptance of DOE proposed resolution to the dispute on the OU2 ISA document. Responsible Individual: USEPA
2. Complete QA surveillance of NET Laboratories. Responsible Individual: B. Skalka
3. Summarize soil data from stockpile area. Responsible Individual: I. Diggs
4. Provide USEPA with air sampling procedure. Responsible Individual: S. Shirley

Submitted by:
Dennis J. Carr

DJC:rdh